

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPLICATION NO. 231 OF 2022

1. Nilesh Shashikant Shishupal
2. Shashikant Ramchandra Shishupal
3. Sunanda Shashikant Shishupal
4. Pranoti Amit Tavsalkar
5. Pradnya Prashant Waghmare ...Applicants

Versus

1. The State of Maharashtra
2. Manisha W/o. Nilesh Shishupal ...Respondents

Mr. Satish K. Ingale for the Applicants

Ms. M. H. Mhatre, A.P.P for the Respondent No.1-State

Mr. Sandeep Barve i/b B. K. Barve & Co. for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
THURSDAY, 22nd SEPTEMBER 2022**

P.C :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Barve waives notice on behalf of the respondent No.2.

3 By this application, the applicants seek quashing of the complaint/FIR bearing C.R. No. 248/2017 registered with the Tilak Nagar Police Station, Mumbai, for the alleged offence punishable under Sections 498A, 406, 504, 506 r/w Section 34 of the Indian Penal Code. Quashing is sought by the parties on the premise that the parties have amicably settled their dispute.

4 Perused the papers. The applicant No. 1 is the husband of respondent No.2, the applicant Nos. 2 and 3 are the in-laws of respondent No.2 and applicant Nos. 4 and 5 are the sisters-in-law of the respondent No.2. It appears that the applicant No. 1 and respondent No. 2 got married on 28th December 2012 as per Hindu

rites and rituals at Mumbai. After marriage, the respondent No. 2 started co-habiting with the applicant No.1 and his family at her matrimonial home. As there were disputes and differences, the respondent No. 2 filed the aforesaid complaint/FIR, which was registered vide C.R. No. 248/2017 with the Tilak Nagar Police Station, Mumbai. After investigation, charge-sheet was filed in the said case and the case being Case No. 61/PW/2019 is presently pending before the Metropolitan Magistrate, 34th Court at Vikhroli, Mumbai.

5 It appears during the pendency of the said case, the parties amicably settled their dispute and have filed consent terms in the Family Court at Bandra, Mumbai in M.J. Petition No. A-3505/2017. The said consent terms are at Exhibit `E' at page 86 of the application. We are informed that pursuant to one of the clauses in the consent terms, the applicant No. 1 has deposited a sum of Rs. 8,00,000/- in the Family Court, by way of one-time settlement. It appears from the said consent terms that the said amount of Rs.

8,00,000/- can be withdrawn by the respondent No. 2, only after all the cases/complaints filed by her as against the applicants and his family members are withdrawn/quashed.

6 The respondent No. 2 has withdrawn the DV proceedings pending before the Magistrate Court at Vikhroli, Mumbai. The respondent No. 2 has also filed an affidavit, duly affirmed before the Notary on 31st May 2021. The said affidavit is at page 97 of the application. To the said affidavit, is annexed a xerox true copy of the Aadhar Card of the respondent No.2. Learned counsel for the respondent No. 2 identifies her. Learned A.P.P has verified the original Aadhar Card of the respondent No.2. In the said affidavit, the respondent No. 2 has given her no objection to the quashing of the said complaint/FIR, which is registered vide C.R. No. 248/2017 with the Tilak Nagar Police Station, Mumbai and the consequential proceedings arising therefrom. Admittedly, the couple has no issues.

7 Respondent No. 2 is present in Court. When questioned, respondent No. 2 reiterates what is stated by her in the affidavit. She states that she has no objection for quashing of the FIR bearing C.R. No. 248/2017 registered with the Tilak Nagar Police Station, Mumbai.

8 Considering the relations between the parties, the nature of dispute and the consent terms entered into between the parties and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the application.

9 The application is accordingly allowed and the FIR bearing C.R. No. 248/2017 registered with the Tilak Nagar Police Station, Mumbai and all consequential proceedings arising therefrom, are quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

10 Since the respondent No. 2 has complied with the clauses of the consent terms i.e. withdrawal of the proceedings initiated at her instance i.e. DV proceedings and the present proceedings, there is no impediment now in permitting the respondent No. 2 to withdraw the amount of Rs. 8,00,000/-, which is deposited by the applicant No. 1 in the Family Court. Order accordingly. The applicants to hand over other articles and belongings to the respondent No.2.

11 Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

12 All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.